Certificate of Mailing: Date of Deposit: 8/5/04

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Colleen Coyne
Printed name of person mailing correspondence

Colleen Coyne
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Frederick M. Ausubel et al.	Art Unit:	1637
Serial No.:	09/581,106	Examiner:	J. Tung
Filed:	January 30, 2001	Customer No.:	21559
Title:	BROAD RANGE PCR AMPLIFICATION TECHNIQUES		

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT FOR REASONS FOR ALLOWANCE

In reply to the Notice of Allowability included with the Notice of Allowance mailed June 1, 2004, Applicants wish to clarify the record with respect to the limitations of the allowed claims. Claim 1, 3-10, and 12-20 are directed to methods or kits useful for determining whether a nucleic acid sequence includes a particular allele of a polymorphic sequence. The methods and kits recite a first pair of primers and a second pair of primers, each having first and second members.

In characterizing the first member of the second pair, the Notice states that this member "does the same thing as the first member of the first pair of PCR primers." For

clarity, Applicants note that the first members of each pair are similar in that each first member independently hybridizes to one of the two strands of the same nucleic acid sequence. These first members, however, are not required to hybridize to the same sequence or strand or at the same affinity. Nor do they do "the same thing" in any other respect.

The Notice further states, "The one of the second pair of PCR primers has the same features as the one of the first pair of PCR primers described above except that the one of the second pair of PCR primers is non complementary to the nucleic acid sequence at one or more nucleotides that are disposed within the five nucleotides adjacent to the 3' terminal nucleotide..." Again, for clarity, Applicants note that the only shared features between the one members of the first and second pair are that they are complementary at their 3' terminal ends to a first allele, they are non-complementary at their 3' terminals ends to a second allele, and they are each independently non-complementary to a nucleotide disposed within the five nucleotides adjacent to the 3' terminal end. These one members of the first and second pairs may bind with different affinities to the nucleic acid sequence, may be of different lengths, may have different sequences other than at the 3' terminal end, and may have the non-complementary base disposed at different locations within the five nucleotides adjacent the 3' terminal end. In short, they share features but would not be fairly characterized as having "the same features."

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 5 August 2004

Karen L. Elbing, Ph.D.
Reg. No. 35,238

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045